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LESTER J. VINCENT  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
7TH FLOOR  
12400 WILSHIRE BOULEVARD  
LOS ANGELES, CA 90025

EXAMINER

LEE, CHI HO A

ART UNIT PAPER NUMBER

2663

DATE MAILED: 03/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/270,297

Applicant(s)

DEO ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 28, 30-36 and 40-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 28, 30-36, 40-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>28</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 30 is objected to because of the following informalities:

Claim 30 should depend on Claim 28 and not 29. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 28, 30-33, 36, 40-42, 45, 46, 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Hulen et al U.S. Patent Number 5,497,373.

Re Claims 1, 28, 29, 40, 45, fig 2 teaches MMI 12 (a single card) supporting multiple types of network services: CPU 48 (See col. 7, lines 35-55) for detecting and determining a first & second requests to establish a first & second network connections through 12, wherein the CPU downloads protocol conversion software from EPROM 52 (a memory) (specific to the first type of network services) into the identified DSP(s) (executing the software) on-chip memory for processing the traffic (See col. 8, lines 21-86 & fig. 4b), wherein the plurality of DSP processes plurality of services simultaneously.

Re Claims 2, 36, 50, 51, refer to Claim 1, fig. 2 teaches a TDM switch 20 for directing the traffic associated with the network connection over the E1 connection

(a physical line).

Re Claim 3, refer to Claim 1, wherein the CPU accesses EPROM (the memory) that stores protocol specific information.

Re Claims 4, 33, 41, 42, 46, refer to Claim 1, fig. 2 supports voice services processed by DSP(s) in the MMI.

Re Claims 31, 32, refer to Claim 1, wherein E1 are frame traffic.

Re Claim 49, refer to Claim 1, fig. 2 further includes E1 framer 18; the Host Messaging Center inherently includes a processing codes (running boot code); MMI includes the CPU (a second processor) and plurality of DSPs; EPROM (a local memory), wherein the CPU inherently includes a connection management software.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 34, 35, 43, 44, 47, 48, 52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hulen et al U.S. Patent Number 5,497,373.

Re Claims 5, 6, 34, 35, 43, 44, 47, 48 and 53, Hulen teaches that the LIM is coupled to plurality of communication networks (See fig. 1). This includes packet switch networks (PSPDN). Hulen fails to explicitly teach that the PSPDN is either the ATM or Frame Relay service or IP network service.

However, these types of network type are well-known packet switch data networks and supports broadband and QoS parameters voice or data services. Hence, one skilled in the art would have been motivated to modify Hulen to support either ATM or Frame relay networks to support broadband services. Furthermore, when voice services are transported over the IP network, the cost of long distance calling is minimized.

Re Claim 52, Hulen fails to explicitly teach the "a boot flash memory" coupled to the first processor. It's known that most BIOS boot programs boot from floppy disks and hard disks however, it is also known that boot programs may also boot from flash memory as well. Hence, it would have been an obvious design choice as long as booting is enabled on resets.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-6, 28, 30-36, 40-54 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI  
3/21/04

ANDY LEE  
PATENT EXAMINER